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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,726	08/25/2003	Karren Moreland	43	2147

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

NOTIFICATION DATE	DELIVERY MODE
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04/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/647,726

Applicant(s)

MORELAND ET AL.

Examiner

MICHAEL P. FERGUSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 17, 2008 has been entered.

Claim Objections

2. Claims 21 and 28 are objected to because of the following informalities:

Claim 21 (line 2) recites "the wire". It should recite --a wire--.

Claim 28 (line 2) recites "the wire". It should recite --a wire--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 (lines 1-2) recites "comprising a string of Christmas lights". It is unclear as to what constitutes "Christmas lights" as claim 21 fails to positively recite any

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structural features or elements which clearly structurally define such lights. It is unclear as whether the limitation "Christmas" requires a specific structure, or whether such limitation is only naming the element. Accordingly, one is unable to properly determine the metes and bounds of such claim.

Claim 28 (lines 1-2) recites "comprising a string of Christmas lights". It is unclear as to what constitutes "Christmas lights" as claim 28 fails to positively recite any structural features or elements which clearly structurally define such lights. It is unclear as whether the limitation "Christmas" requires a specific structure, or whether such limitation is only naming the element. Accordingly, one is unable to properly determine the metes and bounds of such claim. Claim 29 depends from claim 28 and is likewise rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Zakrzewski et al. (US 6,732,991).

As to claim 10, Zakrzewski et al. disclose a one-piece lock **115** for use with a slotted track system **105** comprising:

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a body **220** having a wider axis **660** and a narrower axis **655**;

a finger-turnable handle **230**; and

a neck **210** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot of a slotted track **105**;

wherein the body is sized to fit loosely within the interior of the slotted track when the wider axis is parallel to the track and to fit within the interior of the slotted track with opposing ends of the body frictionally engaged with the opposing side walls of the track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot of the slotted track (Figures 1-7B,10A,10B).

As to claim 11, Zakrzewski et al. disclose a lock wherein the handle **230** is elongated and the neck **210** is formed integrally with the handle at a point near one end of the handle (Figure 3).

As to claim 12, Zakrzewski et al. disclose a lock wherein the handle **230** is elongated and parallel to the narrower axis **655** of the body **220** (handle **230** is parallel to narrow axis **655** in the direction of thickness of the handle; Figure 3).

As to claim 13, Zakrzewski et al. disclose a lock wherein the handle **230** is elongated and parallel to the wider axis **660** of the body **220** (handle **230** is parallel to wider axis **660** in the direction of length of the handle; Figure 3).

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As to claim 14, Zakrzewski et al. disclose a lock wherein the body **220** comprises two rounded edges **665** at opposite corners of a generally box-shaped body, which edges are parallel to the neck **210** (Figure 5A).

As to claim 15, Zakrzewski et al. disclose a lock comprising a collar **215** integrally formed with and between the neck **210** and the handle **230** (Figure 3).

As to claim 16, Zakrzewski et al. disclose a lock wherein the body **220** has two opposite sides **665** not parallel to each other, which sides are generally parallel to the neck **210** (Figure 3).

As to claim 17, Zakrzewski et al. disclose a lock wherein, measured along the intersection of the body **220** and a plane passing through the neck **210**, a first side (having a width **655**) of the body adjacent to the neck is wider than an opposing side (having a width **657**) of the body (Figure 5A).

As to claim 18, Zakrzewski et al. disclose a lock wherein the body **1** comprises two rounded edges **665** at opposite corners of a generally box-shaped body, which edges are parallel to the neck **210** (Figure 3).

As to claim 19, Zakrzewski et al. disclose a lock wherein the handle **230** is elongated and the neck **210** is formed integrally with the handle at a point near one end of the handle (Figure 3).

As to claim 20, Zakrzewski et al. disclose a track and lock system comprising:
a track **105** having a box-shaped cross-section with a slot on one side of the box;
and
a one-piece lock **115** comprising:

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a body **220** having a wider axis **660** and a narrower axis **655**;

a finger-turnable handle **230**; and

a neck **210** formed integrally with the body at one end and formed integrally with the handle at the other end;

wherein one end of the neck extends from the body in a direction generally perpendicular to a plane containing the wider axis and the narrower axis of the body;

wherein the neck is sized to extend through the slot;

wherein the body is sized to fit loosely within the interior of the track when the wider axis is parallel to the track and to fit within the interior of the track with opposing ends of the body frictionally engaged with opposing side walls of the track when the narrower axis is parallel to the track; and

wherein the narrower axis of the body is wider than the slot (Figures 1-7B,10A,10B).

As to claim 21, Zakrzewski et al. disclose a system comprising a string **125** of lights, wherein a wire of the light string is within the track **105** and held in place by the lock **115** (Figures 1,10A,10B).

As to claim 22, Zakrzewski et al. disclose a system wherein the track **105** is secured to a house (Figures 1,10A,10B, column 1 lines 29-41).

As to claim 23, Zakrzewski et al. disclose a system wherein the handle **230** is elongated and parallel to the narrower axis **655** of the body **220** (handle **230** is parallel to narrow axis **655** in the direction of thickness of the handle; Figure 3).

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As to claim 24, Zakrzewski et al. disclose a system wherein the handle **230** is elongated and parallel to the wider axis **660** of the body **220** (handle **230** is parallel to wider axis **660** in the direction of length of the handle; Figure 3).

As to claim 25, Zakrzewski et al. disclose a system wherein the body **220** has two opposite sides **665** not parallel to each other, which sides are generally parallel to the neck **210** (Figure 3).

As to claim 26, Zakrzewski et al. disclose a system wherein, measured along the intersection of the body **220** and a plane passing through the neck **210**, a first side (having a width **655**) of the body adjacent to the neck is wider than an opposing side (having a width **657**) of the body (Figure 5A).

As to claim 27, Zakrzewski et al. disclose a system wherein the body **220** comprises two rounded edges **665** at opposite corners of a generally box-shaped body, which edges are parallel to the neck **210** (Figure 3).

As to claim 28, Zakrzewski et al. disclose a system comprising a string **125** of lights, wherein a wire **125** of the light string is within the track **105** and held in place by the lock **115** (Figures 1,10A,10B).

As to claim 29, Zakrzewski et al. disclose a system wherein the track **105** is secured to a house (Figures 1,10A,10B, column 1 lines 29-41).

Response to Arguments

7. Applicant's arguments with respect to claims 10-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to track locking systems:

Walker, Sr. (US 4,182,532) and Larson et al. (US 4,471,415) are cited for pertaining to systems comprising a slotted track and a lock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
04/15/08

/Michael P. Ferguson/
Examiner, Art Unit 3679